International Criminal Court ICC-ASP/2/L.7

Assembly of States Parties

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Strengthening the International Criminal Court and the Assembly of States Parties

Draft resolution

The Assembly of States Parties,

Mindful that the conscience of humanity continues to be deeply shocked by unimaginable atrocities in various parts of the world and that the need to prevent the most serious crimes of concern to the international community, and to put an end to the impunity of the perpetrators of such crimes, is now widely acknowledged,

Convinced that the International Criminal Court is an essential means of promoting respect for international humanitarian law and human rights, thus contributing to freedom, security, justice and the rule of law as well as to the prevention of armed conflicts, the preservation of peace and the strengthening of international security, in accordance with the purposes and principles of the Charter of the United Nations,

Convinced also that justice and the fight against impunity are, and must remain, indivisible, and that in this regard universal adherence to the Rome Statute of the International Criminal Court is essential,

Welcoming the progress that has been achieved thus far, owing, not least, to the dedication of the Court staff in establishing, within only one year, a functioning institution, and recognizing at the same time that the Court continues to rely on sustained and undiminished support by States, international organizations and civil society,

Desirous of assisting the Court and its organs, notably through management oversight and other appropriate action, in performing the duties assigned to them,

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A. Rome Statute of the International Criminal Court and other agreements

1. *Welcomes* the fact that the number of States Parties to the Rome Statute of the International Criminal Court has continued to rise, the number having now reached ninety;

2. *Invites* States that are not yet parties to the Rome Statute to become so as soon as possible;

3. *Recalls* that the ratification of the Rome Statute must be matched by national implementation of the obligations emanating therefrom, notably through implementing legislation, in particular in the areas of penal law and judicial cooperation with the Court, and in this regard encourages States Parties to the Rome Statute that have not yet done so to adopt such implementing legislation as a priority;

4. *Decides*, without prejudice to the functions of the Secretary-General in his capacity as depositary of the Rome Statute, to keep the status of ratifications under review, and to monitor developments in the field of implementing legislation, inter alia, with a view to facilitating the provision of technical assistance that States Parties to the Rome Statute, or States wishing to become parties thereto, may wish to request from other States Parties or institutions in relevant areas;

5. *Stresses* that the integrity of the Rome Statute must be preserved and that treaty obligations emanating therefrom must be fully adhered to, and encourages States Parties to the Rome Statute to exchange information and to support and assist each other to that end, particularly in situations where its integrity is being challenged;

6. *Recalls* that the beginning of Court operations has added urgency to the need for States to sign and ratify the Agreement on the Privileges and Immunities of the Court, and encourages those States that have not yet done so to sign and ratify the Agreement as a matter of priority and to implement it in their national legislation;

7. *Looks forward* to rapid progress in the negotiations between the Court and the United Nations on the Draft Relationship Agreement between the Court and the United Nations,[1] and requests the Court to keep the Assembly of States Parties to the Rome Statute of the International Criminal Court informed thereon;

B. Institution-building

1. General

8. *Takes note* of the report of the International Criminal Court to the Assembly of States Parties, 2003;[2]

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[1] *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002* (United Nations publication, Sales No. E.03.V.2), part II.G.

[2] See document ICC-ASP/2/5 and Corr.1.

9. *Emphasizes* the importance of endowing the Court with the necessary financial resources, and urges all States Parties to the Rome Statute to transfer as soon as possible and in full their assessed contributions in accordance with relevant decisions taken by the Assembly of States Parties;

10. *Welcomes* the steps undertaken by the President, the Prosecutor and the Registrar to coordinate activities at all appropriate levels on management and budgetary issues, encourages those involved to continue, and where possible improve, this practice, and recommends that the Director of the Secretariat of the Assembly of States Parties should be associated with such coordination, when appropriate;

11. *Recommends* that the Court consider the desirability and feasibility of establishing, at United Nations Headquarters, a small representation common to all parts of the Court, and requests the Registrar to report to the Assembly of States Parties on this question, including its budgetary implications;

2. Administration

12. *Notes* that the Committee on Budget and Finance has initiated its work, inter alia, by adopting its draft internal rules of procedure,[3] and reaffirms the independence of its members;

3. Judges

13. *Notes* that the judges have made considerable progress in drafting the Regulations of the Court, and looks forward to their circulation to States Parties for comments immediately after their adoption, in accordance with article 52, paragraph 3, of the Rome Statute;

4. Office of the Prosecutor

14. *Notes* that the Office of the Prosecutor is elaborating draft regulations to govern the operation of the Office, welcomes the effort undertaken by the Prosecutor to develop in a transparent manner, inter alia, through the convening of a public hearing on 17 and 18 June 2003, a sound prosecutorial strategy, and expresses its readiness to maintain a constant dialogue with the Prosecutor on his strategy, with full respect for the independent, impartial and conscientious exercise of his functions;

5. Victims Trust Fund

15. *Expresses its confidence* that, following the establishment of the Board of Directors of the Victims Trust Fund, the Trust Fund will then be able to initiate its functions, and requests the Board to report to the Assembly of States Parties, at its next session, within the framework of the report on activities, projects and voluntary contributions requested in paragraph 11 of the annex to resolution ICC-ASP/1/Res.6 of 9 September 2002, on the build-up of the Trust Fund;

[3] See document ICC-ASP/2/7, annex II, and Corr.1.

6. Host country

16. *Takes note* of the statement made by the representative of the host country on 8 September 2003[4] on arrangements for the interim and permanent premises of the Court and on the negotiations on the headquarters agreement between the Court and the host country;

C. Assembly of States Parties

17. *Takes note* of the report of the Special Working Group on the Crime of Aggression and recalls that the Special Working Group shall continue to hold two to three meetings, as necessary, during annual sessions of the Assembly of States Parties;

18. *Requests* the Bureau of the Assembly of States Parties to examine ways and means to ensure an efficient structuring of meetings of the Assembly of States Parties, inter alia, the use of a limited number through additional working groups in certain well-defined areas that would meet within the framework of the sessions of the Assembly of States Parties, and to submit proposals thereon, including an assessment of the budgetary implications, to the Assembly of States Parties;

19. *Decides* that it will hold its next ordinary session from _____ to _____ in The Hague and that the Committee on Budget and Finance will also hold its sessions in The Hague, from _____ to ____ and from _____ to _____.

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[4] ICC-ASP/2/INF__.